

DATE 9/8/21
CITATION

2021CVA001677D1

SERVE

THE STATE OF TEXAS
COUNTY OF WEBB

COURT DATE: 11/2/2021 AT 1:30 PM

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TEXASLAWHELP.ORG"

TO: PARAGON FREIGHT SYSTEMS, LLC
BY SERVING INTERNATIONAL BORDER TRUCKING COMPLIANCE SERVICE INC
1519 WYOMING
EL PASO TX 79902

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 49th District Court of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2021CVA001677D1, styled:

MONICA SAAB, PLAINTIFF
VS.


PARAGON FREIGHT SYSTEMS, LLC; RANDY V. FUGLEBERG, DEFENDANT
Said Plaintiff's Petition was filed on 08/31/2021 in said court by:
RYAN KING, ATTORNEY FOR PLAINTIFF
HAGOOD & KING LLC
1520 E HIGHWAY 6
ALVIN TX 77511

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS,
Issued and given under my hand and seal of said court at office,
on this the 2nd day of September, 2021.

C L E R K O F C O U R T



ESTHER DEGOLLADO
WEBB COUNTY DISTRICT CLERK
P.O. BOX 667
LAREDO, TX 78042

BY:  DEPUTY
Diana Vela

NO. 2021CVA001677D1

MONICA SAAB	§	IN THE DISTRICT COURT OF
	§	
V.	§	WEBB COUNTY, TEXAS
	§	
PARAGON FREIGHT SYSTEMS, LLC	§	
AND RANDY V. FUGLEBERG	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Monica Saab, hereinafter referred to as Plaintiff, complaining of Paragon Freight Systems, LLC and Randy V. Fugleberg, hereinafter called Defendants, and for cause of action would respectfully show the Court the following:

1. Discovery is intended to be conducted under Level 3, Texas Rules of Civil Procedure, 190.4.
2. Plaintiff is a resident citizen of Webb County, Texas.
3. Defendant, Paragon Freight Systems, LLC, is a foreign limited liability company authorized to do business in the State of Texas and may be served with citation by serving its Registered Process Agent, International Border Trucking Compliance Service, Inc., 1519 Wyoming, El Paso, TX 79902.
4. Defendant, Randy V. Fugleberg, is an individual, a resident and citizen of the State of North Dakota. Therefore, this Defendant may be served with process by forwarding citation to the Secretary of State for the State of Texas, 1019 Brazos Street, Austin, Texas 78701, pursuant to Texas Civil Practice & Remedies Code Ann., § 17.044, who should then forward the citation to the Defendant at his residence address, to-wit: 701 Burke Ave., Harvey, North Dakota 58341.

5. This Court has jurisdiction over this case because this cause of action is for negligence and the subject matter of this lawsuit and the amount in controversy are all within the jurisdictional limits of this Court. Further, venue is proper in this Court because all or a substantial portion of the acts or events giving rise to the cause of action and the acts and/or omissions of negligence that proximately caused the occurrence in question and the injuries and damages sustained by your Plaintiff occurred within the territorial limits of Webb County, Texas. Additionally, Defendants have sufficient contacts with the State of Texas to exercise jurisdiction over Defendants.

6. It has become necessary for your Plaintiff to file this lawsuit to recover personal injury compensatory damages as a result of a motor-vehicle collision that occurred on or about April 8, 2021. On such date, Monica Saab was operating her vehicle on Springfield Ave. in Laredo, Webb County, Texas when a tractor-trailer rig operated by Defendant, Randy V. Fugleberg, disregarded the traffic control device and collided into the vehicle operated and occupied by your Plaintiff. At all times material, it is believed that Defendant, Randy V. Fugleberg, was operating his vehicle within the course and scope of his authority, agency and/or employment and in the furtherance of the business affairs of Defendant, Paragon Freight Systems, LLC, as its agent, employee and/or statutory employee. Thus, Plaintiff invokes the legal doctrine of vicarious liability and respondeat superior to establish liability, responsibility and accountability on Defendant, Paragon Freight Systems, LLC, for the acts and/or omissions of negligence and malfeasance of Defendant, Randy V. Fugleberg, that proximately caused the occurrence in question and Plaintiff's injuries and damages.

7. Plaintiff alleges that at the time and on the occasion in question, the Defendant driver, Randy V. Fugleberg, committed acts and/or omissions of negligence that proximately caused the occurrence in question and Plaintiff's injuries and damages. The acts and/or omissions are, singularly and/or in combination, as follows:

- a) Failure to keep a proper lookout;
- b) Failure to control speed;
- c) Failure to timely apply brakes;
- d) Failure to yield right-of-way;
- e) Failure to control his vehicle to avoid a collision;
- f) Disregarding a red traffic control device controlling Defendant's direction of travel;
- g) Distracted driving; and/or
- h) Violations of applicable provisions of the Federal and State Federal Motor Carrier Safety Regulations concerning, as applicable and as the evidence may show – Driver qualification, medical condition, hours of service, vehicle and equipment (negligence per se).

Such acts and/or omissions, singularly or in combination, as applicable and as the evidence will reveal, constitute negligence and negligence per se and such negligence proximately caused the occurrence in question and the injuries and damages sustained by your Plaintiff. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendants and not Plaintiff. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiff reserves the right to amend and/or supplement as allowed by the Texas Rules of Civil Procedure.

8. At all times material, Defendant, Paragon Freight Systems, LLC, is thought to be the owner and/or operator of the motor vehicle that Defendant, Randy V. Fugleberg, was operating at the time of and on the occasion in question. Plaintiff also alleges that Defendant, Paragon Freight Systems, LLC, committed acts and/or omissions of negligence in providing the means for the Defendant driver, Randy V. Fugleberg, to be entrusted and/or provided, as applicable, the motor vehicle in question to an incompetent, unsafe, dangerous or reckless driver, along with applicable violations of the Federal and State Motor Carrier Safety Regulations. Such negligence, negligent entrustment, and negligence per se, singularly or in combination and as the evidence will reveal, proximately caused the collision in question and the injuries and damages suffered by Plaintiff. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendants and not Plaintiff. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiff reserves the right to amend and/or supplement as allowed by the Texas Rules of Civil Procedure.

9. As a result of the acts and/or omissions that caused the injuries and damages referenced above, your Plaintiff, Monica Saab, alleges that she sustained physical injuries and damages from which she now suffers and in all probability will continue to suffer into the future in terms of physical pain, mental anguish, physical impairment, loss of earning capacity and the incurring of medical and hospital bills and expenses in the past and in the future. Plaintiff, Monica Saab, sues for monetary relief for damages in excess of the minimum jurisdictional limits of the Court, over \$250,000.00 but not more than \$1,000,000.00.

10. The Plaintiff also sues for pre-judgment and post-judgment interest on the items of damages allowed by law.

11. Plaintiff demands a trial by jury on this case.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited in terms of law to appear and answer herein and that upon final hearing Plaintiff does have and recover of, from and against the Defendants, jointly and severally, her compensatory damages as referenced above all in amounts in excess of the minimum jurisdictional limits of this Court, pre-judgment and post-judgment interest, costs of court, trial by jury, and for such other and further relief, at law and in equity, to which Plaintiff may show herself justly entitled.

Respectfully submitted,
HAGOOD & KING, LLC
1520 E. Highway 6
Alvin, Texas 77511
(281)331-5757
Fax: (281)331-1105
*E-Service Email: firm@h-kfirm.com

BY: /s/ Ryan King
RYAN KING
SBN 24073263
JOHN D. WOODS, JR.
SBN 24067950
Attorneys for Plaintiff

*E-SERVED DOCUMENTS ARE ONLY ACCEPTED AT THE ABOVE DESIGNATED E-SERVICE EMAIL ADDRESS. SERVICE ON ANY OTHER EMAIL ADDRESS WILL BE CONSIDERED INVALID.

REGISTER OF ACTIONS**CASE No. 2021CVA001677D1****MONICA SAAB VS. PARAGON FREIGHT SYSTEMS, LLC,RANDY V. FUGLEBERG**§
§
§
§
§Case Type: **Injury or Damage - Motor Vehicle (DC)**
Subtype: **Motor Vehicle Accident (DC)**
Date Filed: **08/31/2021**
Location: **--49th District Court****PARTY INFORMATION**

Defendant	FUGLEBERG, RANDY V.	Attorneys LAUREN M HORNE <i>Retained</i> 210-949-0166(W)
Defendant	PARAGON FREIGHT SYSTEMS, LLC	LAUREN M HORNE <i>Retained</i> 210-949-0166(W)
Plaintiff	SAAB, MONICA	RYAN KING <i>Retained</i> 281-331-5757(W)

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS		
08/31/2021	Civil Case Filed (OCA)		
08/31/2021	Original Petition <i>PLAINTIFF'S ORIGINAL PETITION. (dv)</i>		
09/02/2021	Calendar Call <i>FAXED THE CALENDAR CALL TO ATTORNEY RYAN KING. (DV)</i>		
09/02/2021	Letter <i>LETTER FROM ATTORNEY RYAN KING- JURY FEE PAID</i>		
09/02/2021	Citation-Issuance <i>THREE CITATIONS ISSUED AS TO RANDY V. FUGLEBERG AND PLACED THEM IN THE PRIVATE SERVERS BOX AS STATED IN THE EFILING COMMENTS BY ATTORNEY RYAN KING. (DV)</i>		
09/02/2021	Citation-Issuance <i>TWO CITATIONS ISSUED AS TO PARAGON FREIGHT SYSTEMS LLC AND PLACED THEM IN THE PRIVATE SERVERS BOX. (DV)</i>		
09/02/2021	Citation FUGLEBERG, RANDY V.	Served	09/08/2021
09/02/2021	Citation PARAGON FREIGHT SYSTEMS, LLC	Served	09/08/2021
09/23/2021	Citation Return-Executed <i>CITATION ISSUED AS TO PARAGON FREIGHT SYSTEMS, LLC RETURNED EXECUTED. (DATE OF SERVICE 09/08/2021)</i>		
09/23/2021	Citation Return-Executed <i>CITATION ISSUED AS TO RANDY FUGLEBERG RETURNED EXECUTED. (DATE OF SERVICE 09/08/2021)</i>		
09/30/2021	Letter <i>LETTER FROM THE SECRETARY OF STATE SHOWING SERVICE AS TO RANDY V. FUGLEBERG.</i>		
10/04/2021	Answer-Cross-Defendant <i>DEFENDANTS PARAGON FREIGHT SYSTEMS, LLC AND RANDY V. FUGLEBERG'S, ORIGINAL ANSWER, RULE 193.7 NOTICE, AND JURY DEMAND</i>		
11/02/2021	Calendar Call (1:30 PM) (Judicial Officer Lopez, Jose A.)		